

ANSWER TO ADVERSARY COMPLAINT

Defendant, Peter A. Ouda, LLC, improperly pled as “Peter Ouda”, having an address of 19 N. Bridge Street, Somerville, New Jersey 08876 by way of Answer to the Adversary Complaint states as follows:

1. This Defendant neither admits or denies the allegations in Paragraph 1 of the Complaint, but leaves Plaintiff to their proofs.
2. Admit.
3. The allegations in Paragraph 3 through Paragraph 14 of the Complaint are not directed to this Defendant, and no response is required.
15. The Defendant denies the allegations in Paragraph 15 of the Complaint.
16. The allegation in Paragraph 16 are not directed to this Defendant and therefore no response is required.
17. Denied.
18. Denied as to this Defendant.
19. Denied as to this Defendant.

WHEREFORE, this Defendant demands that the Adversary Complaint be dismissed as against it with prejudice and without costs.

SPECIFICATION OF DEFENSES

FIRST SEPARATE DEFENSE

The named Defendant is a Limited Liability Corporation; that entity is not named as a party to the Complaint.

SECOND SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

THIRD SEPARATE DEFENSE

The Plaintiff failed to join indispensable parties.

FOURTH SEPARATE DEFENSE

Plaintiff's Complaint is barred by the Entire Controversy Doctrine.

FIFTH SEPARATE DEFENSE

Plaintiff's Complaint is barred by the Doctrine of Res Judicata.

SIXTH SEPARATE DEFENSE

This Complaint should be dismissed due to lack of subject matter jurisdiction.

SEVENTH SEPARATE DEFENSE

Plaintiff has breached his duty to mitigate damages.

EIGHTH SEPARATE DEFENSE

The claimant is estopped from proceeding with this alleged cause of action.

NINTH SEPARATE DEFENSE

Claimant has relinquished voluntarily, and hence has waived, the basis on which he sues.

TENTH SEPARATE DEFENSE

Plaintiff has already litigated these matters against this Defendant in the Superior Court of New Jersey and these cases were dismissed in that forum.

BARRY E. LEVINE, LLC
Attorney for Defendant

Date: October 17, 2013

By: /s/ Barry E. Levine

BARRY E. LEVINE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

BARRY E. LEVINE, LLC
101 GIBRALTAR DRIVE SUITE 2-F
MORRIS PLAINS, NJ 07950
(973) 538-2084
Attorney for Defendant Peter A. Ouda, LLC

In Re:

FOX & MELOFCHIK, LLC
et al

v.

ELLIOT KOPLITZ, 23 SEAVIEW
HOLDINGS, LLC et al

Case No.: 13-21363KCF

Chapter: 11

Adv. No.: 13-1928

Hearing Date: _____

Judge: Ferguson

CERTIFICATION OF SERVICE

1. I, Donna M. Zvolensky :

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Barry E. Levine, Esq., who represents the
_____ defendant _____ in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On October 17, 2013, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Answer to Adversary Complaint filed by defendant Peter A. Ouda, LLC.

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: 10-17-13

/s/ Donna M. Zvolensky
Signature

| Name and Address of Party Served | Relationship of Party to the Case | Mode of Service |
|---|---|--|
| Gary E. Fox, Esq. Fox & Melofchik, LLC 1001 Deal Road Ocean, NJ 07712 | Plaintiff's attorney | <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| Sam Della Fera, Esq. Trenk, DiPasquale et al 427 Riverview Plaza Trenton, NJ 08611 | Attorney for Defendants Elliot Koplitiz et al | <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| | | <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
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* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.

rev.5/14/12